IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No. 24283 OF 2007

DATED: 30-11-2007

BETWEEN:

Bondala Reddiyya

.....Petitioner

AND

The District Collector,
West Godavari District,
Eluru and two others

.....Respondents

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THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No. 24283 OF 2007

ORDER:

It is the case of the petitioner that he is in possession and enjoyment of an extent of Acs.3.54 cents of land in R.S No.22/1 situated at Noothiramannapalem Village, Buttaigudem Mandal, West Godavari District. It is stated that the mother of the petitioner purchased the said property vide registered sale deed dated 31-10-1957 from one Dharanikota Durgamma. While so, a complaint was filed in S.R No. 26 of 1977 on the file of Special Deputy Collector, Eluru declaring the possession as void under the provisions of the Andhra Pradesh Scheduled Area Land Transfer Regulations and after conducting the enquiry, the said complaint was dismissed in favour of his father on 27-10-1997.

It is stated that thereafter, the Special Deputy Collector (Tribal Welfare), Kota Ramachandra Puram (SDC) passed eviction orders in S.R No. 617 of 1998 dated 3-4-1999 and the said orders were challenged in Writ Petition No. 9134 of 2002. This Court by order dated 9-8-2007 allowed the writ petition setting aside the order of the Special Deputy Collector.

It is stated that recently the 3rd respondent visited the said property of the petitioner and is taking steps to take away a portion of the said land of an extent of Ac.0.25 cents without initiating any proceeding and without acquiring the same in accordance with law.

I am not inclined to express any opinion as to whether there was any attempt to deprive the petitioner of the said property. But, however, I am of the opinion that without following due process of law, the petitioner cannot be evicted from the land in question.

In the circumstances, without expressing any opinion on the

merits of the case, the writ petition is disposed of directing the respondents not to dispossess the petitioner from any portion of the land of an extent of Acs.3.54 cents in R.S No. 22/1 situated at Noothiramannapalem Village, Buttaiguda Mandal, West Godavari District without following due process of law either under the provisions of the Andhra Pradesh Scheduled Area Land Transfer Regulations or under the Land Acquisition Act, 1894.

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V. ESWARAIAH, J

30-11-2007
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